GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Prohibition & Excise Department - Allegation of Criminal Misconduct and Criminal Conspiracy against Sri Ch.Krishna Prasad, former Prohibition & Excise Superintendent, Chagallu, West Godavari District (Retd.) for his involvement in Liquor Syndicate Case - Disciplinary action initiated - Delinquent officer placed on his defence before the Tribunal for Disciplinary proceedings - Orders of Hon'ble High Court dated 08.03.2021 in W.P. No 5469/2021 - Implemented - Orders - Issued.

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REVENUE (VIGILANCE.III) DEPARTMENT

G.O.Rt.No.572

Dated:17.09.2021.
Read the following:

1. From the D.G., ACB, Lr.Rc.No.57/RCO-VKI/2012, Dt:06.11.2012.
2. Govt.Memo.No.49988/Vig.V(2)/2012, Dated:16.01.2013.
3. G.O.Rt.No.991, Revenue (Vigilance.IV)Department, dt:01.10.2019.
4. Orders dt:23.01.2020 of the Hon'ble High Court in W.P.No.1264 of 2021 filed by Sri Ch.Krishna Prasad, former Prohibition & Excise Superintendent, Chagallu, West Godavari District (Retd.).
5. Orders dt:08.03.2021 of the Hon'ble High Court in W.P.No.5469 of 2021 filed by Sri Ch.Krishna Prasad, former Prohibition & Excise Superintendent, Chagallu, West Godavari District (Retd.).
6. Writ appeal with SR No.27597 of 2021 filed against the Orders dt:08.03.2021 of the Hon'ble High Court of A.P in W.P.No. 5469 of 2021.

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ORDER:

Whereas, it was brought to the notice of the Government that Sri Ch.Krishna Prasad, former Prohibition & Excise Superintendent, Chagallu, West Godavari District (Retd.) while he was in service involved in disciplinarily case pertaining to liquor syndicate cases of Krishna District among the other Prohibition & Excise officials. After conducting detailed enquiry, the Director General, Anti Corruption Bureau in his final report Dt.06.11.2012 recommended to place Sri Ch.Krishna Prasad on his defense before Tribunal for Disciplinary Proceedings (TDP) along with other Prohibition & Excise officials.

2. After careful examination of the recommendations of the D.G., ACB, Government have taken a decision to entrust the case to the Tribunal for Disciplinarl Proceedings (TDP) including Sri Ch.Krishna Prasad, former Prohibition & Excise Superintendent, Chagallu, West Godavari District (Retd.), vide Memo 2nd read above. Further Part-B Notes duly signed by the competent authority were sent to the TDP for regular Inquiry along with other prohibition and Excise Officials vide Govt. Memo dated:17.06.2013. Charge Memo was issued by the Tribunal for Disciplinary Proceedings vide Tribunal Enquiry Case No.80 of 2013.

3. In the G.O. 3rd read above, Sri Ch.Krishna Prasad, former Prohibition & Excise Superintendent, Chagallu, West Godavari District (Retd.) was sanctioned provisional pension @ 75% of normal pension entitled to him under Rule 52 of A.P. Revised Pension Rules,1980, pending finalisation of disciplinary proceedings initiated against him.

4. Sri Ch.Krishna Prasad, former Prohibition & Excise Superintendent, Chagallu, West Godavari District (Retd.) has filed Writ Petition No.1264 of 2020 before the Hon'ble High Court with a prayer to set aside the charge memo issued by the Tribunal for Disciplinary Proceedings vide Tribunal Enquiry Case No.80 of 2013 and requested for pensionary benefits. The Hon'ble High Court is pleased to pass the following order on 23.01.2020 in the above Writ Petition:-

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"In view of clear pronouncement of law on the subject by the Hon'ble Supreme Court of India as has been followed by the Division Bench of this Court and other single Judges of this Court, this Court is of the opinion that the Writ Petition itself can be disposed of giving three (3) months time to the respondents to complete the proceedings in all respects from the date of receipt of copy of this order. The respondents are at liberty to conclude the proceedings strictly in accordance with law and as per the relevant rules and regulations. It is made clear that if the proceedings are not concluded within the said period, the Charge Memo vide Tribunal Enquiry Case No.80 of 2013, dated 06.01.2017 issued against the petitioner, shall stand automatically quashed."

5. Sri Ch.Krishna Prasad, former Prohibition & Excise Superintendent, Chagallu, West Godavari District (Retd.) has also filed Writ Petition No.5469 of 2021 before the Hon'ble High Court with prayer to declare the action of the Respondents in withholding the retirement benefits of the petitioner in the absence of any valid disciplinary proceedings as the Charge Memo in TEC No.80/2013, dated 6-1-2017, issued by Tribunal for Disciplinary Proceedings, the same Stands Quashed by the Hon'ble High Court vide Orders passed in W.P.Nos.1264 of 2020, dated 23-1 2020, as illegal arbitrary and discriminatory and in violation of Articles 21 and 300A of the constitution of India, consequently direct the respondents to release all the Pensionary Benefits namely Full Pension, Retirement Gratuity, and Encashment of Earned Leave and other benefits together with 12% interest from the date of retirement immediately on the same analogy of Similar orders passed in W.P.No. 870 of 2021, The Hon'ble High Court of Andhra Pradesh has passed the following orders on 08.03.2021 in the said Writ Petition No.5469 of 2021:

"It is brought to the notice of this Court by the learned counsel for the petitioner that in identical matter this Court in W.P.No.870 of 2021 has allowed the writ petition by its order dated 29.01.2021 granting a writ of mandamus declaring the action of the respondents as illegal, arbitrary and violation of Articles 21 and 300A of the constitution of India and the 1st respondent is directed to fix the pension payable to the petitioner and pay the retirement benefits such as full pension, retirement gratuity, encashment of Earned Leave and other benefits to the petitioner together with interest at 12% from the date they become due till the date of payment.

"Having heard the submissions of the learned counsel for the petitioner and upon perusing the material available on record, this Court satisfied that the grievance raised by the petitioner in the present writ petition and the facts of the case in W.P.No.870 of 2021 are one and the same.

"Accordingly, this writ petition is allowed in terms of the order passed by this Court on 29.01.2021 in W.P.No.870 of 2021.

"The Registry is directed to enclose a copy of the order in W.P.No.870 of 2021, dated:29.01.2021 to this order.

"As a sequel thereto, the miscellaneous petitions, if any, pending in this case shall stand closed".

6. Sri Ch.Krishna Prasad has filed C.C.No.1259/2021 for not implementing the orders dt :08.03.2021 of learned single Judge passed in W.P. No.5469 of 2021.

7. In the reference 6th read above, Government have filed Writ Appeal before the Hon'ble High Court of A.P against the order dt: 08.03.2021 passed by the Learned Single Judge in W.P.No.5469 of 2021.

8. Government, after careful examination of the matter, and in compliance and

(Contd..3)

due respect to the orders dated:08.03.2021 of the Hon'ble High Court of A.P passed in W.P.No.5469 of 2021, hereby implement the same and hereby accord sanction to fix the pension payable to petitioner and pay the retirement benefits such as full pension, retirement gratuity, encashment of earned leave and other benefits to Sri Ch.Krishna Prasad, former Prohibition & Excise Superintendent, Chagallu, West Godavari District (Retd.), and interest with 12% from the date become due till date of payment, subject to outcome of the Writ Appeal filed before the Hon'ble High Court of Andhra Pradesh.

9. The Commissioner of Prohibition and Excise, A.P., Vijayawada shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Ch.Krishna Prasad, former Prohibition & Excise Superintendent, Chagallu, West Godavari District (Retd.), through Commissioner, Prohibition and Excise, Andhra Pradesh, Vijayawada.
The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada.
Copy to:
The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
The Secretary to Andhra Pradesh Vigilance Commission, Andhra Pradesh Secretariat, Velagapudi.
The Secretary, Tribunal for Disciplinary Proceedings, A.P., Nampally, Hyderabad.
The Principal Accountant General (A&E), A.P., Vijayawada.
The Director of Treasuries and Accounts, Andhra Pradesh, Vijayawada.
The Government Pleader for Services - I, Andhra Pradesh High Court, Amaravati.
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER